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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
EUGENE DIVISION

DIANE ROXBURY

Civ. No. 08-951-HO

Plaintiff,

ORDER

v.

Commissioner of Social Security,

Defendant.

Plaintiff seeks an award of attorney fees pursuant to the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412, in the amount of \$9,859.58, representing 56.95 hours of work at rates ranging from \$172.24 to \$179.51 over the course of this litigation. The Commissioner does not contest the hourly rates requested, or plaintiff's contention that the Commissioner's position was not substantially justified.

The Commissioner does object to all work (22.2 hours) billed after the filing of his successful motion to remand. However,

while it is true that plaintiff did not successfully oppose the motion to remand for further proceedings and obtain a remand for an immediate award of benefits, the billings reflect only about 11 hours of work directly attributable to opposition to the remand motion. The remainder involves time spent on attorney tasks that were necessary regardless of opposition to the motion to remand and on seeking the fees themselves. Plaintiff has not sought fees related to the unsuccessful appeal. Moreover, the hours spent in opposing the remand motion did benefit plaintiff in identifying further issues for remand and were not unreasonable in any event. Accordingly, plaintiff's application (#31) for attorney fees under the EAJA is granted in the amount of \$9,859.58. The EAJA fees are subject to any offsets allowed under the Treasury Offset Program as discussed in Astrue v. Ratliff, 130 S.Ct. 2521 (2010).

DATED this 23rd day of September, 2011.

Michael R. Hogan
UNITED STATES DISTRICT COURT JUDGE